

MRS. BLANCHE HOUSER

JANUARY 31, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3343]

The Committee on the Judiciary, to whom was referred the bill (H. R. 3343) for the relief of Mrs. Blanche Houser, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This bill is merely to waive sections 15 to 20, inclusive, of the Federal Employees' Compensation Act, and thus permit Mrs. Blanche Houser, of Kenton, Ohio, to file her claim with the Bureau of Employees' Compensation, Department of Labor. The Department in its report dated April 11, 1955, states that the claim was barred by the time limitation. In view of this fact the Bureau was without authority to consider the claim on its merits, and Mrs. Houser was so advised.

The Bureau recommends against enactment of this bill; however, the committee is of the opinion that the Bureau should not oppose legislation of this character, in view of the fact that it merely waives the time limitation and permit the consideration of a claim on its merits. Therefore your committee recommends favorable consideration of the bill.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, April 11, 1955.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.*

DEAR CONGRESSMAN CELLER: This is in further response to your request for my comments on H. R. 3343, a bill for the relief of Mrs. Blanche Houser.

The bill proposes to waive the time limitations of the Federal Employees' Compensation Act (39 Stat. 742, as amended) in favor of the widow of John Houser, an employee of the Civil Works Administration.

This employee originally filed a claim for compensation for disability due to an injury sustained while in the performance of duty on February 15, 1934. This

claim was approved and compensation paid in the maximum sum of \$4,000 authorized in such cases. The disability for which benefits were paid was osteoarthritis of the spine. The award terminated October 22, 1944.

On February 2, 1950, following the 1949 amendments to the Federal Employees' Compensation Act, an effort was made to contact the employee to determine whether he qualified for additional benefits under the amended law. The employee's widow replied that he had died on June 20, 1947. She then filed a claim on her own behalf on April 27, 1950. The Bureau determined that the claim was not filed within the maximum statutory period provided in cases of this type and so denied it. Our records disclose, furthermore that the employee's death, which occurred some 13 years after the date of his injury, was caused by myocarditis due to hypertension and not to osteoarthritis.

The effect of H. R. 3343 would be to accord preferential treatment to Mrs. Houser over other claimants similarly situated. For this reason I would be opposed to enactment of this bill unless Congress finds extenuating circumstances justifying the time limitation waiver in this case.

If such circumstances should be found, the bill should be amended to make clear that any claim now filed should be adjudicated under the modified provisions specified in the act of February 15, 1934 (48 Stat. 351, as amended), by which the Federal Employees' Compensation Act was extended to the Civil Works Administration. This may be accomplished by inserting in line 9 following the word "Act" the words "as made applicable to employees of the Civil Works Administration".

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

JAMES P. MITCHELL,
Secretary of Labor.

CASE No. CW86832 (H. R. 3343)

Blanche Houser, 510 Decatur Street, Kenton, Ohio, being duly sworn according to law, deposes and says:

She is the wife of John Houser, and he died from the effects of an injury in the employment of the Civil Works Administration in June 1947. She further deposes and says that he drew full compensation of \$4,000, the full amount allowed under the law for total compensation at that time, the Federal Compensation Commission declaring him full total permanent.

She further says that she was notified in February 1950 of the amendments to the Federal Compensation Act. After much delay, because of infirmity of age, and her physical condition, she filed a claim as a widow of John Houser, which was a few months below the statute of limitations, she not being informed of the time limit of filing a claim.

She further says that an investigator from the Bureau of Employees Compensation came to Kenton, Ohio, to examine various witnesses, the doctors who had treated her husband, but at no time did he tell her or offer to file a claim which would have brought her in the statute of limitations.

She further saith not.

BLANCHE HOUSER.

Sworn to before me this 29th day of October 1955.

[SEAL]

WORLEY E. SMITH, *Notary Public.*

My commission expires September 4, 1957.

